

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

IN RE: KENNETH M. SCOTT,

Misc. No. 15-51234

Petitioner.

Honorable David M. Lawson
Honorable Judith E. Levy
Honorable Matthew F. Leitman

ORDER GRANTING PETITION FOR REINSTATEMENT

Attorney Kenneth M. Scott was suspended from the practice of law by the Michigan Attorney Discipline Board effective September 1, 2015. Under this Court's reciprocal discipline rule, E.D. Mich. LR 83.22(g)(1)(A), Scott was suspended from the practice of law in this Court on September 1, 2015. Scott's privilege to practice law was restored by the Michigan authorities on February 29, 2016. Scott filed a petition for reinstatement in this Court on May 4, 2016 under LR 83.22(i). The panel held a hearing on the petition on June 30, 2016, at which the Michigan Attorney Grievance Commissioner and the petitioner made presentations.

Under Local Rule 83.22(i), "[w]hen this court has suspended or disbarred an attorney under LR 83.22(g) or (h), the attorney may apply for reinstatement by filing in this court an affidavit that the jurisdiction that entered the order of discipline on which this court based its discipline has reinstated the attorney." E.D. Mich. LR 83.22(i)(1). The rule further explains a petitioner's burden in seeking reinstatement:

(2) The attorney seeking reinstatement must prove by clear and convincing evidence that--

(A) the attorney has complied with the orders of discipline of this court and all other disciplinary authorities.

(B) the attorney has not practiced in this court during the period of disbarment or suspension and has not practiced law contrary to any other order of discipline.

(C) the attorney has not engaged in any other professional misconduct since disbarment or suspension.

(D) the attorney has the moral qualifications, competency and learning in the law required for admission to practice before this court, and that his or her resumption of the practice of law will not be detrimental to the integrity and standing of the bar or to the administration of justice, or subversive of the public interest.

E.D. Mich. LR 83.22(i)(2).

From the evidence presented in the filings and at the hearing, we are satisfied that the petitioner has complied with the requirements of L.R. 83.22(i), and he has made the showing required by L.R. 83.22(i)(2). We are concerned, however, that Scott may not yet appreciate the demands imposed on attorneys practicing in Michigan concerning the precise uses and best practices in administering Interest on Lawyers' Trust Accounts (IOLTAs). Therefore, we will direct Mr. Scott to attend a seminar addressing that subject.

Accordingly, it is **ORDERED** that petitioner Kenneth M. Scott is reinstated to the Bar of this United States District Court for the Eastern District of Michigan.

It is further **ORDERED** that petitioner Scott attend the Lawyers Trust Accounts: Management Principles and Recordkeeping Tips seminar sponsored by the State Bar of Michigan

when it is next offered.

Dated: July 5, 2016

s/David M. Lawson
DAVID M. LAWSON
United States District Judge

Dated: July 5, 2016

s/Judith E. Levy
JUDITH E. LEVY
United States District Judge

Dated: July 5, 2016

s/Matthew F. Leitman
MATTHEW F. LEITMAN
United States District Judge

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on July 5, 2016.

s/Susan Pinkowski
SUSAN PINKOWSKI